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Tonia Antoniazzi MP

Chair, Northern Ireland Affairs Committee

By email: northircom@parliament.uk

06 May 2025

Dear Tonia,

The Justice and Security (Northern Ireland) Act 2007 (Extension of Duration of Non-jury Trial Provisions) Order 2025

Today in Parliament I will lay 'The Justice and Security (Northern Ireland) Act 2007 (Extension of Duration of Non-jury Trial Provisions) Order 2025.' This instrument enables criminal trials to continue to be conducted without a jury in Northern Ireland where certain conditions are met, for a further two-year period until 31 July 2027. These provisions continue to be necessary in order to uphold the fair and effective administration of justice.

The non-jury trial provisions in the Justice and Security (Northern Ireland) Act 2007, which apply only in Northern Ireland, provides for a non-jury trial in exceptional cases, where there is a risk of paramilitary or community-based pressure on a jury. The decision to proceed with a non-jury trial is made by the Director of Public prosecutions, following a request from the Police Service of Northern Ireland or the Public Prosecution Service. In a non-jury trial, a single judge sits alone to hear the case and must give reasons for a conviction. Any

person convicted before a non-jury trial has a right of appeal on either sentence or conviction without leave.

The non-jury trial provisions, in the small proportion of cases in which they are exercised, not only protect potential jurors from the threat of intimidation, but also offer certain defendants protection from the possibility of a hostile jury.

The Secretary of State's decision to extend these provisions has been informed by the recent public consultation on the subject of extension, in which the majority of respondents supported the extension of these provisions. It was also informed by the findings of the Working Group on non-jury trials as well as wider information about the security situation in Northern Ireland including the fact that, in the period since the last extension of these provisions, the threat level from Northern Ireland-related terrorism was **SEVERE** until being lowered to **SUBSTANTIAL** in March 2024, where it has remained.

In Northern Ireland today, there is a strong presumption of a jury trial in all criminal cases. In 2023, less than 1% of all Crown Court cases in Northern Ireland were conducted without a jury. Nevertheless, it is of course regrettable that the continued presence of paramilitary control and coercion in Northern Ireland communities necessitates the extension of these provisions.

The normalisation of justice and security arrangements in NI, when it is safe to do so and compatible with the interests of justice, is a priority of this Government. However, as demonstrated by the majority of consultation responses and an assessment of the current security situation in Northern Ireland, this is not the right time to end the non-jury trial provisions in Northern Ireland.

Finally, the Secretary of State and I are aware of the unease some may feel about the extension of these measures. Without prejudging any future consultation, the Secretary of State has asked officials over the next two years to examine how Northern Ireland could move away from these provisions when the time is right.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Fleur Anderson', with a long horizontal flourish extending to the right.

FLEUR ANDERSON MP
PARLIAMENTARY UNDER SECRETARY OF STATE FOR NORTHERN
IRELAND